

**ORIGINAL**

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

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Attorney General of Hawai'i

NOV 17 2006  
at 1 o'clock and 55 min. PM  
SUE BEITIA, CLERK

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STATE OF HAWAII,  
DEPARTMENT OF EDUCATION and  
SARAH GRONNA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

ROBERT SHEREZ,

Plaintiff,

vs.

STATE OF HAWAII DEPARTMENT  
OF EDUCATION; PATRICIA  
HAMAMOTO, Superintendent of  
Hawai'i Schools, MEREDETH  
MAEDA, Principal, Castle High  
School; SARA GRONNER OR  
GRONNA, Vice Principal of Castle  
High School,

Defendants.

CIVIL NO. 04-00390 JMS-KSC

REPLY TO PLAINTIFF'S  
MEMORANDUM IN OPPOSITION  
TO DEFENDANTS' MOTION FOR  
CONSOLIDATION FILED ON  
NOVEMBER 2, 2006; CERTIFICATE  
OF SERVICE

Hearing:

Date: November 30, 2006

Time: 9:30 a.m.

**Judge: The Honorable  
KEVIN CHANG**

REPLY TO PLAINTIFF'S MEMORANDUM IN OPPOSITION  
TO DEFENDANTS' MOTION FOR CONSOLIDATION  
FILED ON NOVEMBER 2, 2006

The Plaintiff's opposition to Defendant's Motion For Consolidation argues that consolidation is not necessary because the Plaintiff is asserting two sets of different claims in each case. Memorandum in Opposition, p. 2. This argument is not supported by the court record. The record shows that the two cases assert the same claims against the same parties based on the same facts twice.

On December 21, 2005, the Plaintiff filed his Second Amended Complaint (hereinafter "Complaint") against Defendants State of Hawaii Department of Education, Patricia Hamamoto, Sarah Gronna and Meredith Maeda in Civil No. 04-00390 JMS-KSC.

Later, on October 26, 2006, the Plaintiff filed a First Amended Complaint in Civil No. 06-00367 SPK-KSC (hereinafter "New Complaint"). The New Complaint is very similar to the original Complaint in Civil No. 04-00390 JMS-KSC. The New Complaint is similar to the original Complaint in that it names the same parties that were named in the original Complaint: Defendants State of Hawaii, Hamamoto, Gronna and Maeda. New Complaint, ¶¶ 2-5. Further, the New Complaint asserts the same claims of liability against the same parties. New Complaint, ¶¶ 151-161. Moreover, the New Complaint contains the same factual

allegations against the same parties that were previously forth in the original

Complaint:

Civil No. 04-00390 JMS-KSC	Civil No. 06-00367 SPK-KSC
Paragraph No. 7	Paragraph No. 12
Paragraph No. 8	Paragraph No. 13
Paragraph No. 10	Paragraph No. 14
Paragraph No. 11	Paragraph No. 15
Paragraph No. 12	Paragraph No. 16
Paragraph No. 12	Paragraph No. 17
Paragraph No. 13	Paragraph No. 18
Paragraph No. 14	Paragraph No.s 19 and 47A
Paragraph No. 15	Paragraph No.s 20 and 47B
Paragraph No. 16	Paragraph No. 22
Paragraph No. 16	Paragraph No.s 23, 49 and 50
Paragraph No. 17	Paragraph No.s 24 and 50
Paragraph No. 18	Paragraph No.s 25 and 51
Paragraph No. 19	Paragraph No.s 26, 52 and 53
Paragraph No. 20	Paragraph No.s 27, 54 and 55
Paragraph No. 21	Paragraph No. 28

Paragraph No. 22	Paragraph No.s 29, 57 and 58
Paragraph No. 23	Paragraph No. 30
Paragraph No. 24	Paragraph No.s 31 and 60
Paragraph No. 25	Paragraph No. 32
Paragraph No. 26	Paragraph No. 33

Yet even when both cases contain the same parties, factual allegations and claims, the Plaintiff argues that he should be entitled to two separate trials. The Plaintiff's opposition implies his hope that he will obtain a double recovery for the same claims from the same parties based on the same facts. Plaintiff's wish for two bites of the apple, while somewhat understandable, should not be allowed as a matter of fairness. Given the manner in which the pleadings were drafted, the only reasonable course that would preserve fairness to the parties and preserve judicial resources would be to consolidate both cases for trial.

DATED: Honolulu, Hawai'i, November 17, 2006.




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NELSON Y. NABETA  
Deputy Attorney General

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FOR THE DISTRICT OF HAWAII

ROBERT SHEREZ,

Plaintiff,

vs.

STATE OF HAWAII DEPARTMENT  
OF EDUCATION; PATRICIA  
HAMAMOTO, Superintendent of  
Hawaii Schools, MEREDETH  
MAEDA, Principal, Castle High  
School; SARA GRONNER OR  
GRONNA, Vice Principal of Castle  
High School,

Defendants.

CIVIL NO. 04-00390 JMS-KSC

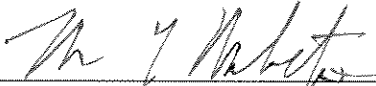
CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 17, 2006, a copy of the foregoing documents was duly served via U.S. mail, postage prepaid as follows:

ANDRE S. WOOTEN, ESQ.  
Century Square, Suite 1909  
1188 Bishop Street  
Honolulu, Hawaii 96819

DATED: Honolulu, Hawaii, November 17, 2006

  
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NELSON Y. NABETA  
Deputy Attorney General